

TITLE 72
WORKER'S COMPENSATION AND RELATED LAWS -- INDUSTRIAL COMMISSION

CHAPTER 16
STATE DIRECTORY OF NEW HIRES

72-1601. SHORT TITLE. This chapter shall be known and may be cited as the "Directory of New Hires Act."

[72-1601, added 1997, ch. 340, sec. 1, p. 1016.]

72-1602. PURPOSE. This chapter establishes an automated state directory of new hires to be administered by the department of labor for the purpose of securing for this state the maximum benefits of the act of congress, approved August 22, 1996, known as the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996." The state directory of new hires provides a means for employers to assist in the state's efforts to prevent fraud in the welfare, worker's compensation, and unemployment insurance programs, to locate individuals to establish paternity, to locate absent parents who owe child support, and to collect support from those parents by reporting information concerning newly hired and rehired employees directly to a centralized state database.

[72-1602, added 1997, ch. 340, sec. 1, p. 1017.]

72-1603. DEFINITIONS. As used in this chapter:

(1) "Date of hire" or "date of rehire" means the actual commencement of employment of an employee for wages or other remuneration.

(2) "Department" means the Idaho department of labor.

(3) "Director" means the director of the Idaho department of labor.

(4) "Employee" means an individual who is an employee within the meaning of 26 U.S.C. 3401. "Employee" does not include an employee of a federal or state agency performing intelligence or counterintelligence functions, if the head of such agency has determined that reporting information with respect to the employee pursuant to this chapter could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(5) "Employer" has the meaning given such term in 26 U.S.C. 3401(d) and includes labor organizations and governmental entities, except for any department, agency or instrumentality of the United States. The term "employer" does not include a multistate employer who has notified the United States secretary of health and human services in writing that it will transmit new hire reports magnetically or electronically to a state other than Idaho.

(6) "Labor organization" shall have the meaning given such term in 29 U.S.C. 152(5), and includes any entity, also known as a "hiring hall," which is used by the organization and an employer to carry out requirements described in 29 U.S.C. 158(f) (3) or an agreement between the organization and the employer.

(7) "Rehire" means to reemploy an individual who was laid off, separated, furloughed, granted leave without pay or terminated from employment at least sixty (60) consecutive days prior to reemployment.

[72-1603, added 1997, ch. 340, sec. 1, p. 1017; am. 2013, ch. 103, sec. 3, p. 246.]

72-1604. EMPLOYER REPORTING REQUIREMENTS. (1) Effective October 1, 1997, an employer doing business in the state of Idaho shall report to the department the hiring or rehiring of an employee who works in the state. The report shall contain:

- (a) The employee's name, address and social security number;
- (b) The employer's name, address and the identifying number assigned to the employer under 26 U.S.C. 6109; and
- (c) The employer's Idaho unemployment insurance account number, if any, and the employee's date of hire or rehire.
- (d) Multistate employers that have notified the secretary of health and human services that they will transmit all new hire reports to Idaho shall indicate in the reports whether each employee will be included in the employer's Idaho quarterly wage report for unemployment insurance purposes.

(2) An employer may report by submitting a copy of the employee's United States internal revenue service form W-4 (employee's withholding allowance certificate) with the information required in subsections (1) (c) and (d) of this section (if applicable) noted thereon, or by any other means authorized by the director. An employer may submit the report by mail, telefax, or any other means the director authorizes. If an employer submits a report by mail, the report shall be deemed submitted on the postmarked date. A report transmitted by any other means shall be deemed submitted on the date the department receives it.

(3) An employer shall submit its report not later than twenty (20) calendar days after the date of hire or rehire. Employers transmitting reports electronically shall submit two (2) transmissions each month, if necessary, not less than twelve (12) days nor more than sixteen (16) days apart.

(4) An employer is authorized and required by this chapter to disclose the information described in subsection (1) of this section and is not liable to the employee for the disclosure or subsequent use of the information pursuant to this chapter.

(5) Entry of employer information shall be made into a database maintained by the state directory of hires within five (5) business days of receipt from employers.

[72-1604, added 1997, ch. 340, sec. 1, p. 1017.]

72-1605. USE OF NEW HIRE INFORMATION. (1) The information collected pursuant to this chapter shall be used only for the following purposes:

- (a) The department of health and welfare shall use the information to assist in its administration of any public assistance program and for child support enforcement purposes.
- (b) The department of labor shall transmit the information to the national directory of new hires and may use the information to administer programs under the employment security law and may provide the information to the state tax commission for the proper administration of income tax withholding under the Idaho income tax act.
- (c) The state insurance fund and the industrial commission may use the information to administer the worker's compensation program.

(2) Agencies that obtain information collected pursuant to this chapter shall maintain the confidentiality of the information received, except

as provided in this chapter. If any employee or agent of the state, in violation of the provisions of this chapter, discloses information collected pursuant to this chapter, he or she shall be guilty of a misdemeanor.

[72-1605, added 1997, ch. 340, sec. 1, p. 1018; am. 1998, ch. 230, sec. 6, p. 788.]

72-1606. COSTS. By written agreement, the department of health and welfare shall agree to pay the department of labor all costs incurred by the department of labor under this chapter that are attributable to the department of health and welfare, including the cost of establishing and maintaining the state directory of new hires. In the absence of such an agreement, the department of labor shall have no obligations or duties under this chapter except in its capacity as an employer that is required to report new hires. An agency that obtains information pursuant to subsection (1) (c) of section [72-1605](#), Idaho Code, shall reimburse the department for any costs it incurs to provide the information.

[72-1606, added 1997, ch. 340, sec. 1, p. 1018.]

72-1607. RULES. The director may promulgate rules to administer this chapter, pursuant to [chapter 52, title 67](#), Idaho Code.

[72-1607, added 1997, ch. 340, sec. 1, p. 1019.]